



Adopted in House Comm. on Mar 03, 2010

09600HB5514ham001

LRB096 17607 ASK 37315 a

1 AMENDMENT TO HOUSE BILL 5514

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5514 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Roofing Industry Licensing Act is  
5 amended by changing Section 5 as follows:

6 (225 ILCS 335/5) (from Ch. 111, par. 7505)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 5. Display of license number; advertising.

9 (a) Each State licensed roofing contractor shall affix the  
10 roofing contractor license number and the licensee's name, as  
11 it appears on the license, ~~the license number of his or her~~  
12 license to all of his or her contracts and bids. In addition,  
13 the official issuing building permits shall affix the roofing  
14 contractor license number to each application for a building  
15 permit and on each building permit issued and recorded.

16 (a-5) A person who knowingly, in the course of applying ~~if~~

1 ~~a general contractor applies~~ for a building permit with a unit  
2 of local government, provides the ~~and knowingly submits a~~  
3 roofing license number ~~that is not that~~ of a ~~the~~ roofing  
4 contractor whom he or she does not intend to have perform the  
5 work on the roofing portion of ~~who will be the subcontractor~~  
6 ~~for the project~~ commits ~~for which the general contractor has~~  
7 ~~requested the permit, the general contractor shall be guilty of~~  
8 identity theft under paragraph (8) of subsection (a) of Section  
9 16G-15 of the Criminal Code of 1961.

10 (b) In addition, every roofing contractor shall affix the  
11 roofing contractor license number and the licensee's name, as  
12 it appears on the license, on all commercial vehicles used as  
13 part of his or her business as a roofing contractor.

14 (c) Every holder of a license shall display it in a  
15 conspicuous place in his or her principal office, place of  
16 business, or place of employment.

17 (d) No person licensed under this Act may advertise  
18 services regulated by this Act unless that person includes in  
19 the advertisement the roofing contractor license number and the  
20 licensee's name, as it appears on the license ~~his or her~~  
21 ~~license number~~. Nothing contained in this subsection requires  
22 the publisher of advertising for roofing contractor services to  
23 investigate or verify the accuracy of the license number  
24 provided by the licensee.

25 (e) A person who advertises services regulated by this Act  
26 who knowingly (i) fails to display the license number and the

1 licensee's name, as it appears on the license, in any manner  
2 required by this Section, (ii) fails to provide a publisher  
3 with the correct license number as required by subsection (d),  
4 or (iii) provides a publisher with a false license number or a  
5 license number of another person, or a person who knowingly  
6 allows his or her license number to be displayed or used by  
7 another person to circumvent any provisions of this Section, is  
8 guilty of a Class A misdemeanor with a fine of \$1,000, and, in  
9 addition, is subject to the administrative enforcement  
10 provisions of this Act. Each day that an advertisement runs or  
11 each day that a person knowingly allows his or her license to  
12 be displayed or used in violation of this Section constitutes a  
13 separate offense.

14 (Source: P.A. 96-624, eff. 1-1-10.)

15 Section 10. The Criminal Code of 1961 is amended by  
16 changing Section 16G-15 as follows:

17 (720 ILCS 5/16G-15)

18 Sec. 16G-15. Identity theft.

19 (a) A person commits the offense of identity theft when he  
20 or she knowingly:

21 (1) uses any personal identifying information or  
22 personal identification document of another person to  
23 fraudulently obtain credit, money, goods, services, or  
24 other property, or

1           (2) uses any personal identification information or  
2           personal identification document of another with intent to  
3           commit any felony theft or other felony violation of State  
4           law not set forth in paragraph (1) of this subsection (a),  
5           or

6           (3) obtains, records, possesses, sells, transfers,  
7           purchases, or manufactures any personal identification  
8           information or personal identification document of another  
9           with intent to commit or to aid or abet another in  
10          committing any felony theft or other felony violation of  
11          State law, or

12          (4) uses, obtains, records, possesses, sells,  
13          transfers, purchases, or manufactures any personal  
14          identification information or personal identification  
15          document of another knowing that such personal  
16          identification information or personal identification  
17          documents were stolen or produced without lawful  
18          authority, or

19          (5) uses, transfers, or possesses document-making  
20          implements to produce false identification or false  
21          documents with knowledge that they will be used by the  
22          person or another to commit any felony theft or other  
23          felony violation of State law, or

24          (6) uses any personal identification information or  
25          personal identification document of another to portray  
26          himself or herself as that person, or otherwise, for the

1 purpose of gaining access to any personal identification  
2 information or personal identification document of that  
3 person, without the prior express permission of that  
4 person, or

5 (7) uses any personal identification information or  
6 personal identification document of another for the  
7 purpose of gaining access to any record of the actions  
8 taken, communications made or received, or other  
9 activities or transactions of that person, without the  
10 prior express permission of that person, or -

11 (8) in the course of applying for a building permit  
12 with a unit of a local government, provides the license  
13 number of a roofing contractor whom he or she does not  
14 intend to have perform the work on the roofing portion of  
15 the project. It is an affirmative defense to prosecution  
16 under this paragraph (8) that the building permit applicant  
17 promptly informed the unit of local government that issued  
18 the building permit of any change in the roofing  
19 contractor.

20 (b) Knowledge shall be determined by an evaluation of all  
21 circumstances surrounding the use of the other person's  
22 identifying information or document.

23 (c) When a charge of identity theft of credit, money,  
24 goods, services, or other property exceeding a specified value  
25 is brought the value of the credit, money, goods, services, or  
26 other property is an element of the offense to be resolved by

1 the trier of fact as either exceeding or not exceeding the  
2 specified value.

3 (d) Sentence.

4 (1) A person convicted of identity theft in violation  
5 of paragraph (1) of subsection (a) shall be sentenced as  
6 follows:

7 (A) Identity theft of credit, money, goods,  
8 services, or other property not exceeding \$300 in value  
9 is a Class 4 felony. A person who has been previously  
10 convicted of identity theft of less than \$300 who is  
11 convicted of a second or subsequent offense of identity  
12 theft of less than \$300 is guilty of a Class 3 felony.  
13 A person who has been convicted of identity theft of  
14 less than \$300 who has been previously convicted of any  
15 type of theft, robbery, armed robbery, burglary,  
16 residential burglary, possession of burglary tools,  
17 home invasion, home repair fraud, aggravated home  
18 repair fraud, or financial exploitation of an elderly  
19 or disabled person is guilty of a Class 3 felony.  
20 Identity theft of credit, money, goods, services, or  
21 other property not exceeding \$300 in value when the  
22 victim of the identity theft is an active duty member  
23 of the Armed Services or Reserve Forces of the United  
24 States or of the Illinois National Guard serving in a  
25 foreign country is a Class 3 felony. A person who has  
26 been previously convicted of identity theft of less

1           than \$300 who is convicted of a second or subsequent  
2           offense of identity theft of less than \$300 when the  
3           victim of the identity theft is an active duty member  
4           of the Armed Services or Reserve Forces of the United  
5           States or of the Illinois National Guard serving in a  
6           foreign country is guilty of a Class 2 felony. A person  
7           who has been convicted of identity theft of less than  
8           \$300 when the victim of the identity theft is an active  
9           duty member of the Armed Services or Reserve Forces of  
10          the United States or of the Illinois National Guard  
11          serving in a foreign country who has been previously  
12          convicted of any type of theft, robbery, armed robbery,  
13          burglary, residential burglary, possession of burglary  
14          tools, home invasion, home repair fraud, aggravated  
15          home repair fraud, or financial exploitation of an  
16          elderly or disabled person is guilty of a Class 2  
17          felony. When a person has any such prior conviction,  
18          the information or indictment charging that person  
19          shall state the prior conviction so as to give notice  
20          of the State's intention to treat the charge as a Class  
21          3 felony. The fact of the prior conviction is not an  
22          element of the offense and may not be disclosed to the  
23          jury during trial unless otherwise permitted by issues  
24          properly raised during the trial.

25                (B) Identity theft of credit, money, goods,  
26          services, or other property exceeding \$300 and not

1           exceeding \$2,000 in value is a Class 3 felony. Identity  
2           theft of credit, money, goods, services, or other  
3           property exceeding \$300 and not exceeding \$2,000 in  
4           value when the victim of the identity theft is an  
5           active duty member of the Armed Services or Reserve  
6           Forces of the United States or of the Illinois National  
7           Guard serving in a foreign country is a Class 2 felony.

8           (C) Identity theft of credit, money, goods,  
9           services, or other property exceeding \$2,000 and not  
10          exceeding \$10,000 in value is a Class 2 felony.  
11          Identity theft of credit, money, goods, services, or  
12          other property exceeding \$2,000 and not exceeding  
13          \$10,000 in value when the victim of the identity theft  
14          is an active duty member of the Armed Services or  
15          Reserve Forces of the United States or of the Illinois  
16          National Guard serving in a foreign country is a Class  
17          1 felony.

18          (D) Identity theft of credit, money, goods,  
19          services, or other property exceeding \$10,000 and not  
20          exceeding \$100,000 in value is a Class 1 felony.  
21          Identity theft of credit, money, goods, services, or  
22          other property exceeding \$10,000 and not exceeding  
23          \$100,000 in value when the victim of the identity theft  
24          is an active duty member of the Armed Services or  
25          Reserve Forces of the United States or of the Illinois  
26          National Guard serving in a foreign country is a Class

1 X felony.

2 (E) Identity theft of credit, money, goods,  
3 services, or other property exceeding \$100,000 in  
4 value is a Class X felony.

5 (2) A person convicted of any offense enumerated in  
6 paragraphs (2) through (7) of subsection (a) is guilty of a  
7 Class 3 felony. A person convicted of any offense  
8 enumerated in paragraphs (2) through (7) of subsection (a)  
9 when the victim of the identity theft is an active duty  
10 member of the Armed Services or Reserve Forces of the  
11 United States or of the Illinois National Guard serving in  
12 a foreign country is guilty of a Class 2 felony.

13 (3) A person convicted of any offense enumerated in  
14 paragraphs (2) through (5) of subsection (a) a second or  
15 subsequent time is guilty of a Class 2 felony. A person  
16 convicted of any offense enumerated in paragraphs (2)  
17 through (5) of subsection (a) a second or subsequent time  
18 when the victim of the identity theft is an active duty  
19 member of the Armed Services or Reserve Forces of the  
20 United States or of the Illinois National Guard serving in  
21 a foreign country is guilty of a Class 1 felony.

22 (4) A person who, within a 12 month period, is found in  
23 violation of any offense enumerated in paragraphs (2)  
24 through (7) of subsection (a) with respect to the  
25 identifiers of, or other information relating to, 3 or more  
26 separate individuals, at the same time or consecutively, is

1 guilty of a Class 2 felony. A person who, within a 12 month  
2 period, is found in violation of any offense enumerated in  
3 paragraphs (2) through (7) of subsection (a) with respect  
4 to the identifiers of, or other information relating to, 3  
5 or more separate individuals, at the same time or  
6 consecutively, when the victim of the identity theft is an  
7 active duty member of the Armed Services or Reserve Forces  
8 of the United States or of the Illinois National Guard  
9 serving in a foreign country is guilty of a Class 1 felony.

10 (5) A person convicted of identity theft in violation  
11 of paragraph (2) of subsection (a) who uses any personal  
12 identification information or personal identification  
13 document of another to purchase methamphetamine  
14 manufacturing material as defined in Section 10 of the  
15 Methamphetamine Control and Community Protection Act with  
16 the intent to unlawfully manufacture methamphetamine is  
17 guilty of a Class 2 felony for a first offense and a Class  
18 1 felony for a second or subsequent offense. A person  
19 convicted of identity theft in violation of paragraph (2)  
20 of subsection (a) who uses any personal identification  
21 information or personal identification document of another  
22 to purchase methamphetamine manufacturing material as  
23 defined in Section 10 of the Methamphetamine Control and  
24 Community Protection Act with the intent to unlawfully  
25 manufacture methamphetamine when the victim of the  
26 identity theft is an active duty member of the Armed

1 Services or Reserve Forces of the United States or of the  
2 Illinois National Guard serving in a foreign country is  
3 guilty of a Class 1 felony for a first offense and a Class  
4 X felony for a second or subsequent offense.

5 (6) A person convicted of identity theft in violation  
6 of paragraph (8) of subsection (a) of this Section shall be  
7 guilty of a Class 4 felony.

8 (Source: P.A. 94-39, eff. 6-16-05; 94-827, eff. 1-1-07;  
9 94-1008, eff. 7-5-06; 95-60, eff. 1-1-08; 95-331, eff.  
10 8-21-07.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."